

Bill Cash

From: Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>
Sent: Friday, July 7, 2023 5:32 PM
To: Bill Cash
Cc: Sims, Nancy; Estrada, Christine; Totino, Edward; Scott Warrick; Tracy Gilbert
Subject: Re: [EXTERNAL] RE: Gromov v. Belkin - joint report

Hi Bill, thanks for your email. Our team is considering the requests in your message and we will get back to you as soon as we can.

Best,
Patricia

On Jul 7, 2023, at 1:37 PM, Bill Cash <bcash@levinlaw.com> wrote:

Following up.

Bill Cash III

Of Counsel

Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr, & Mougey, P.A.
316 South Baylen Street, Suite 600, Pensacola, Florida 32502
Phone: 850-435-7059
www.levinlaw.com

From: Bill Cash
Sent: Thursday, July 6, 2023 8:51 AM
To: 'Mathy, Patricia' <Patricia.Mathy@bakermckenzie.com>; Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Estrada, Christine <Christine.Estrada@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>
Cc: Scott Warrick <swarrick@levinlaw.com>; Tracy Gilbert <tgilbert@levinlaw.com>
Subject: RE: Gromov v. Belkin - joint report

Good morning,

We've talked this over. There are a couple of sticking points conceptually.

Our main concern is over-designation. We have no idea of the volume of documents Belkin would designate as confidential, nor do we have any idea what categories of documents Belkin believes are truly protectible under 26(c). Trade secrets are protectible, for example, but we would like to hear

more about what you think is actually a trade secret. The mere fact that something happened inside corporate walls does not make it subject to protection under Rule 26(c). The presumption in federal courts is that litigation happens in the open.

We also won't agree to the provision in the model order that makes it plaintiffs' burden to move to de-designate something. We will certainly agree to confer with you before anybody goes to court, and we will also agree to maintain something as subject to the protective order during an active dispute. However, if the parties can't agree on whether a document is properly protectible, then given that you would be the party wanting it, you should be the one drafting and filing the motion to keep it protected. I find that this position limits over-designation. And I have gotten the Northern District to agree with me before. The model order is by no means a default position of the court.

Given that, here's what I'd like to know:

1. What kinds of material is Belkin actually seeking to protect?
2. How much is there? I would like to know what has been withheld from us right now, for example: types of documents, number of pages, etc. We have no visibility into this.
3. Will you agree to moving for an order in the event a meet and confer session leaves us disagreeing on the need for a protective order?

Bill Cash III

Of Counsel

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316 South Baylen Street, Suite 600, Pensacola, Florida 32502
Phone: 850-435-7059
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From: Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>

Sent: Sunday, July 2, 2023 9:29 PM

To: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Bill Cash <bcash@levinlaw.com>; Estrada, Christine <Christine.Estrada@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>

Cc: Scott Warrick <swarrick@levinlaw.com>; Tracy Gilbert <tgilbert@levinlaw.com>

Subject: RE: Gromov v. Belkin - joint report

Bill and team,

Attached please find the ND IL model protective order, with our minor proposed edits in redline. Please advise if these changes are OK with you and whether you have any additional proposed edits.

Thanks,
Patricia

Patricia Mathy
Mob. + 1 217 419 4746
Tel. + 1 312 861 2885

From: Sims, Nancy <Nancy.Sims@bakermckenzie.com>
Sent: Thursday, June 29, 2023 11:13 AM
To: Bill Cash <bcash@levinlaw.com>; Estrada, Christine <Christine.Estrada@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>
Cc: Scott Warrick <swarrick@levinlaw.com>; Tracy Gilbert <tgilbert@levinlaw.com>
Subject: RE: Gromov v. Belkin - joint report

Hi Bill -

Thanks for handling the filing. We're actively working on the production. We expect to have it to you by the 5th, but are hoping for sooner. As mentioned, I've been in deposition abroad, so I'll be checking on the status of where we are shortly.

Best,
Nancy

From: Bill Cash <bcash@levinlaw.com>
Sent: Thursday, June 29, 2023 8:43 AM
To: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Estrada, Christine <Christine.Estrada@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>
Cc: Scott Warrick <swarrick@levinlaw.com>; Tracy Gilbert <tgilbert@levinlaw.com>
Subject: [EXTERNAL] RE: Gromov v. Belkin - joint report

Thanks. What's the progress on your document production?

-Bill

From: Sims, Nancy <Nancy.Sims@bakermckenzie.com>
Sent: Thursday, June 29, 2023 10:29 AM
To: Bill Cash <bcash@levinlaw.com>; Estrada, Christine <Christine.Estrada@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>
Cc: Scott Warrick <swarrick@levinlaw.com>; Tracy Gilbert <tgilbert@levinlaw.com>
Subject: RE: Gromov v. Belkin - joint report

Hi Bill -

The version with our additions is attached. The only changes we made to the "joint" portions was formatting (i.e., bolding the lines that said "Gromov's Position" and "Belkin's Position") and adding our signature block. Our substantive edits are all under Belkin's sections.

If you make edits to your sections, please send those back to us for further review before filing in case we'd like to respond.

Thank you,
Nancy

From: Bill Cash <bcash@levinlaw.com>
Sent: Thursday, June 29, 2023 8:16 AM
To: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Estrada, Christine <Christine.Estrada@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>
Cc: Scott Warrick <swarrick@levinlaw.com>; Tracy Gilbert <tgilbert@levinlaw.com>
Subject: [EXTERNAL] RE: Gromov v. Belkin - joint report

That is cutting it very close. I have other lawyers to review your edits with, and then we may want to change what we have said to reflect your comments.

From: Sims, Nancy <Nancy.Sims@bakermckenzie.com>
Sent: Thursday, June 29, 2023 10:15 AM
To: Bill Cash <bcash@levinlaw.com>; Estrada, Christine <Christine.Estrada@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>
Cc: Scott Warrick <swarrick@levinlaw.com>; Tracy Gilbert <tgilbert@levinlaw.com>
Subject: RE: Gromov v. Belkin - joint report

Hi Bill -

You should have it shortly (like next 15 minutes). As mentioned last night, we would have this to you by mid-morning CT.

Best,
Nancy

From: Bill Cash <bcash@levinlaw.com>
Sent: Thursday, June 29, 2023 8:08 AM
To: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Estrada, Christine <Christine.Estrada@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>
Cc: Scott Warrick <swarrick@levinlaw.com>; Tracy Gilbert <tgilbert@levinlaw.com>
Subject: [EXTERNAL] RE: Gromov v. Belkin - joint report

Good morning,

It is due in less than two hours and we have seen nothing from Belkin. When will we see your comments please?

I will not miss the court's deadline.

-Bill

From: Sims, Nancy <Nancy.Sims@bakermckenzie.com>
Sent: Thursday, June 29, 2023 2:51 AM
To: Bill Cash <bcash@levinlaw.com>; Estrada, Christine <Christine.Estrada@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>
Cc: Scott Warrick <swarrick@levinlaw.com>; Tracy Gilbert <tgilbert@levinlaw.com>
Subject: RE: Gromov v. Belkin - joint report

Thanks, we'll have something back to you by mid-morning CT.

From: Bill Cash <bcash@levinlaw.com>
Sent: Wednesday, June 28, 2023 6:01 PM
To: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Estrada, Christine <Christine.Estrada@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>
Cc: Scott Warrick <swarrick@levinlaw.com>; Tracy Gilbert <tgilbert@levinlaw.com>
Subject: [EXTERNAL] RE: Gromov v. Belkin - joint report

No prob. It is due tomorrow at noon.

-Bill

From: Sims, Nancy <Nancy.Sims@bakermckenzie.com>
Sent: Wednesday, June 28, 2023 8:00 PM
To: Bill Cash <bcash@levinlaw.com>; Estrada, Christine <Christine.Estrada@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>
Cc: Scott Warrick <swarrick@levinlaw.com>; Tracy Gilbert <tgilbert@levinlaw.com>
Subject: RE: Gromov v. Belkin - joint report

CAUTION: This email message is **EXTERNAL**.

Hi Bill -

Thanks for the draft. I've been abroad in deposition this week, but someone from our team will revert with comments and our additions.

Best,
Nancy

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message. Please visit www.bakermckenzie.com/disclaimers for other important information concerning this message.

From: Bill Cash <bcash@levinlaw.com>
Sent: Wednesday, June 28, 2023 2:18 PM
To: Sims, Nancy <Nancy.Sims@bakermckenzie.com>; Estrada, Christine <Christine.Estrada@bakermckenzie.com>; Totino, Edward <Edward.Totino@bakermckenzie.com>; Mathy, Patricia <Patricia.Mathy@bakermckenzie.com>
Cc: Scott Warrick <swarrick@levinlaw.com>; Tracy Gilbert <tgilbert@levinlaw.com>
Subject: [EXTERNAL] Gromov v. Belkin - joint report

Colleagues,

Our joint report is due tomorrow at noon. We wrote a neutral piece and added our own position underneath. Please look this over and add your own remarks.

I would like to review what you have written before filing and will ensure that you get to sign off on the final before I file it too.

Bill Cash III

Of Counsel

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